

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
NMT MEDICAL, INC.,

Plaintiff,

v.

AGA MEDICAL CORPORATION,

Defendant.  
\_\_\_\_\_

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)  
) Civil Action No. 04cv12565NG  
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**DEFENDANT AGA MEDICAL CORPORATION'S  
CONSENTED-TO MOTION TO ADMIT PRO HAC VICE**

Pursuant to the provisions of LR 83.5.3(b), Defendant AGA Medical Corporation ("AGA Medical") hereby moves to admit *pro hac vice* attorney James T. Nikolai, Esq., of the law firm of Nikolai & Mersereau, P.A. of Minneapolis, Minnesota. A certificate of good standing for Mr. Nikolai is filed concurrently herewith. In addition, a check in the amount of \$50, made payable to the Clerk, to cover the admission fee is also filed concurrently herewith. This motion is made on behalf of AGA Medical by the undersigned counsel who is a member of the bar of this Court.

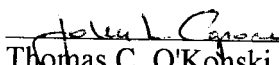
**CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)**

The undersigned certifies that they have conferred with counsel for Plaintiff, NMT Medical, Inc., and that counsel has indicated their assent to the present motion.

Respectfully submitted,

AGA MEDICAL CORPORATION  
By Its Attorneys

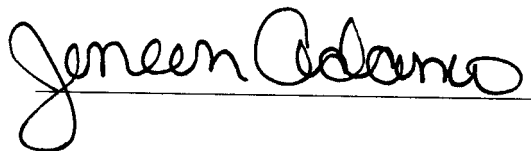
Dated: February 4, 2005

  
Thomas C. O'Konski, Esq. (BBO# 378,265)  
John L. Capone, Esq. (BBO# 656,150)  
CESARI AND MCKENNA, LLP  
Attorneys for Defendant  
88 Black Falcon Avenue  
Boston, Massachusetts 02210  
Tel. (617) 951-2500  
Fax (617) 951-3927

**CERTIFICATE OF SERVICE**

I hereby certify that on February 4, 2005, I caused a true copy of the foregoing pleading to be served upon the following attorney of record by first class U.S. mail:

Kate Saxton, Esq.  
Wilmer Cutler Pickering Hale and Dorr, LLP  
60 State Street  
Boston, MA 02109

A handwritten signature in black ink, appearing to read "Joneen Adams", is written over a horizontal line.

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v.

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Civil Action No. 04cv12565NG

**CERTIFICATE OF GOOD STANDING OF JAMES T. NIKOLAI, ESQ.**

I, James T. Nikolai, hereby certify that the following information is true and correct:

1. I am an officer and a shareholder in the law firm of Nikolai & Mersereau, P.A.,  
900 Second Avenue, South, Suite 820, Minneapolis, MN 55402-3325.

2. I make this certification in support of a motion that I be permitted to appear *pro hac vice* on behalf of Defendant AGA Medical Corporation in the above-captioned matter.

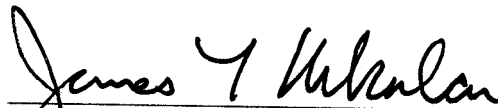
3. I am a member of the bar of the State of Minnesota, the United States District Court for the District of Minnesota, and the United States Courts of Appeals for the Eighth Circuit and the Federal Circuit.

4. I am a member in good standing in every jurisdiction in which I have been admitted to practice.

5. There are no disciplinary proceedings pending against me in any jurisdiction.

6. I have reviewed and am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

Dated: Febr. 1, 2005

  
James T. Nikolai, Esq.  
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(612) 339-7461